

Zoning Administrator Hearing

Minutes



**John S. Gendron
Hearing Officer**

April 21, 2009 – 1:30 p.m.

View Conference Room, 2nd Floor
55 North Center Street
Mesa, Arizona, 85201

Staff Present

Angelica Guevara
Mia Lozano-Helland
Tom Ellsworth

Others Present

Mike Donada
David Eversen
Javier Pena
Mark Luebke
Dominic Ricciardone
David Cisiewski
Steve Youel

CASES:

Case No.: ZA09-001TC

Location: 58 North Country Club Drive

Subject: Requesting a Special Use Permit (SUP) to allow development of a Comprehensive Sign Plan in the TCB-1 zoning district.

Decision: Approved with the following conditions.

- 1. Compliance with the sign plan submitted except as modified by the conditions below.*
- 2. A maximum of 30% of window coverage with signage is allowed. Existing window signage shall be removed to allow 70% of the windows to remain transparent.*
- 3. Existing freestanding internally illuminated monument sign shall be retrofitted to provide an opaque background so that only the sign copy is illuminated.*
- 4. Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.*

Summary: Javier Pena represented the case and answered questions from Mr. Gendron regarding the possibility of future signs and the existing signs. There were no comments from attendees.

City of Mesa
Zoning Administrator Minutes
April 21, 2009

Finding of Fact:

- 1.1** The purpose of the CSP is to provide for the establishment of signage criteria tailored to this development which will vary from specific requirements of Chapter 19 of the Mesa Zoning Ordinance. The CSP will allow four new attached signs on the north elevation of the building and will allow all four signs to be placed over the occupancy of the eastern most tenant. Without the approval of the Special Use Permit, these signs would not be allowed under the existing Sign Ordinance.
- 1.2** The existing multi-tenant retail building has had numerous occupants over the years and the applicant has noted that it has been challenging to lease all of the suites within the building since the side of the building faces Country Club Drive. The western most suite is still vacant. The side of the building faces Country Club Drive and the front of the building faces Pepper Place, thereby limiting visibility of tenant signage from Country Club Drive. The tenant signage on the front of the building is visible by north bound traffic only. To increase visibility and advertisement for the tenants, the CSP allows installation of four attached signs (total of 84 sq. ft.) on the eastern most portion of the north (rear) elevation of the building. This will allow each tenant an identifier sign of 21 sq. ft. over the occupancy of the eastern most tenant providing visibility by south bound traffic on Country Club Drive.
- 1.3** The Downtown Development committee heard the case on April 16, 2009 and made a unanimous recommendation of approval of the SUP for the CSP.
- 1.4** The building has 148 lineal feet of frontage on Pepper Place and approximately 50 lineal feet of frontage on Country Club Drive. Based on the longer frontage, 296 sq. ft. of aggregate sign area could be allowed. Individual signs are capped at 120 s. f. maximum. There are currently only two attached signs on the front of the building totaling 97 sq. ft. The two existing tenants occupy approximately half of the building. The remainder of the building, in its current configuration, can accommodate two additional tenants which would each be allowed attached signage based on their individual frontage.

City of Mesa
Zoning Administrator Minutes
April 21, 2009

Case No.: ZA09-013

Location: 2030 West Southern Ave

Subject: Requesting a Special Use Permit (SUP) in conjunction with the redevelopment of an automobile service station in the C-2 zoning district.

Decision: Approval with the following conditions.

1. *Compliance with the site and landscape plans submitted, except as modified by the conditions below.*
2. *Compliance with Design Review approval DR08-012.*
3. *Compliance with Development Incentive Improvement Permit ZA08-001.*
4. *Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.*
5. *Non-conforming and/or prohibited signs shall be brought into conformance prior to the issuance of a building permit.*

Summary: David Cisiewski represented the case and provided a summary of the requested renewal of a previously approved SUP. The staff report was presented and a discussion followed including comments from Dominic Ricciardone who owns the adjacent property at the north property line. Mr. Ricciardone had concerns regarding benefits and cross-access easements. Mr. Gendron clarified that the current request is for renewal of an expired, previously approved SUP and that site plan issues could not be addressed nor become part of this request. These were approved by the previous cases ZA08-001 and DR08-12. Mr. Gendron approved the request as recommended by staff with a correction to condition number 3 to read a Development Incentive Permit (DIP) and not a Substantial Conformance Improvement Permit (SCIP).

Finding of Fact:

- 1.1 The applicant has proposed the demolition of the existing 2,850 s.f. Circle K, a 3,496 s.f. auxiliary building, and a 2,512 s.f. fueling canopy on the site to allow the construction of a 4,450 s.f. Circle K building and a 4,648 s. f. fueling canopy with nine pumps
- 1.2 The use has been in existence at this site prior to the requirement of the Special Use Permit for automobile service stations with or without accessory auto repair facilities. This use is compatible with and will serve the surrounding commercial uses, the Banner Mesa Hospital, and Mesa Community College. This development will not be a detriment to the area.
- 1.3 The applicant was previously approved for a Development Incentive Permit (DIP) and a Special Use Permit (ZA08-001) to allow deviations from current development standards related to the street and corner landscape setbacks from Southern Avenue and Dobson Road, the adjacent property line setback to the north, reduced landscape density requirements, and to allow an automobile service station use. The application was approved by the Zoning Administrator over

City of Mesa
Zoning Administrator Minutes
April 21, 2009

a year ago, the Special Use Permit has expired, and this request will renew the Special Use Permit for another year. The applicant's proposal from a year ago was also reviewed and approved by the Design Review Board (DR08-012).

- 1.4** The approved use is consistent with the General Plan designation of Neighborhood Commercial and is a permitted use in the C-2 zoning district, subject to the granting of a Special Use Permit.
- 1.5** The approved development represents significant improvement to the existing conditions.

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City of Mesa
Zoning Administrator Minutes
April 21, 2009

Case No.: ZA09-014

Location: 941 South Dobson Road

Subject: Requesting a Special Use Permit (SUP) to allow an Electronic Message Display to remain static for less than 1-hour in the C-2 zoning district.

Decision: Approval with the following conditions.

1. *Compliance with the site plan submitted except as modified by the condition below.*
2. *Displays of static messages, where the message change sequence is accomplished by means of fade or dissolve modes shall be permitted.*
3. *Message display shall be visible for 15 seconds minimum.*
4. *Sign area and height to comply with Zoning Ordinance requirements.*
5. *Sign location to be reviewed and approved with construction drawings submitted for permit review.*
6. *Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.*

Summary: Steve Youel and Mark Luebke represented the case and answered questions from Mr. Gendron regarding the request for an electronic message display type of sign. A staff report and recommendation were provided with a minor change to condition number 2. There was no one present wishing to comment on the case. Mr. Gendron approved the request as recommended by staff.

Finding of Fact:

- 1.1 Based on section 11-19-8(D)17, an EMD may change messages once every hour without the approval of a Special Use Permit. More frequent message rotations may be requested by applying for a Special Use Permit. The applicant's request is to allow messages to change every 15 seconds.
- 1.2 The messages will not "flash"; they will comply with the transition requirements specified in the Sign Ordinance by means of fade or dissolve. The displays will be changed and programmed via wireless radio communication. According to the applicant, the information displayed is intended to help raise awareness and provide messages to the community and students of the school.
- 1.3 The LED displays of the EMD will have factory ceilings set and locked by the manufacturer, Daktronics Inc. as required by the Sign Ordinance Sec. 11-19-8(D)17-c. The end-user will be prohibited from manipulating them by means of password-protected software, configuration file or other method. The light intensity levels will also be set to comply with Ordinance requirements.
- 1.4 Past decisions of the Board of Adjustment have settled on allowing one message every 15 seconds. The basis for this decision has been the idea of having one message visible for approximately a quarter mile as a vehicle approaches the sign. The message being static for that period of time gives the impression that the message is static long enough for the drive to read

City of Mesa
Zoning Administrator Minutes
April 21, 2009

whatever it says quickly, in a single display, and then divert their attention back to the roadway. It also avoids the appearance of the sign being in motion.

- 1.5** The one-hour limitation for changing messages is intended to reinforce the idea that electronic messages should still be “static”, and not give an appearance of motion or movement. The 15-second limitation has been used on other sites, and is what the applicant is proposing. The criterion was based on the speed of the adjacent street. Dobson Road has a speed limit of 40 miles an hour across the entire City. With a vehicle traveling at 45 miles per hour, and the sign message duration set at 15 seconds, the sign would change once for every 990 feet of travel (one second of travel equates to about 66 feet of travel at 45 mph). At once every 15 seconds, the number of messages would be limited to two during a quarter-mile (1,320') approach at constant speed.
- 1.6** The approval is consistent with the criterion set for EMD's and the 15-second limitation set as a City standard by previous decisions made by the Board of Adjustment. The electronic message panel should not, as a predominant feature, give an appearance of motion or movement. Keeping a message static for 15 seconds, in which a message would appear once, maybe twice, over a quarter-mile viewing path, would avoid the distraction that a constantly changing sign would create.
- 1.7** The granting of this Special Use Permit will not have a detrimental effect on the surrounding area or the public welfare, and will be consistent with the purpose and intent of the Sign Ordinance.

City of Mesa
Zoning Administrator Minutes
April 21, 2009

Case No.: ZA09-015

Location: 1040 and 1041 South Lebaron

Subject: Requesting: 1) a Substantial Conformance Improvement Permit (SCIP); and 2) a Special Use Permit; all in conjunction with the redevelopment of an assisted living facility in the R-4 zoning district.

Decision: Approval with the following conditions.

1. *Compliance with the site plan submitted.*
2. *Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits*

Summary: David Everson represented the case and answered questions from Mr. Gendron regarding the request. Mr. Gendron discussed the project with the applicant and staff regarding site history, address and operations. There was no one present wishing to comment on the case. Mr. Gendron approved the request as recommended by staff.

Finding of Fact:

- 1.1 The Special Use Permit allows an Assisted Living Facility within the R-4 zoning district. This SUP incorporates the buildings at both 1040 and 1041 South Lebaron. A SCIP was approved for 1040 South Lebaron with case ZA08-21, which incorporated the combination of two buildings and the abandonment of a lot line much like the improvements for 1041 South Lebaron.
- 1.2 The Substantial Conformance Improvement Permit (SCIP) will provide deviations from current Code related to building and landscape setbacks, and foundation base.
- 1.3 A variance for required parking spaces was approved in 1985 (reference case BA86-18). Per this approval, the development is required to have 3 parking spaces, all of which are shown on the site plan.
- 1.4 As justification for the SCIP, the applicant has noted that the facility was originally constructed in 1988. As a new Code has since been adopted with amendments, this site does not comply with current Code requirements. Given the number of nonconformities within the site, demolition or significant modification would have to ensue to bring the site into compliance with current Code requirements
- 1.5 As this is an older site, the existing landscape consists of turf and mature trees to include eucalyptus, long needle pine, ficus, and palm. This landscaping serves as a buffer between the existing industrial uses located adjacent to the west property line.
- 1.6 The main reduction in required landscaping is located on the north and south property lines. These areas identify a building set back of ten feet between the wall and the building on the property line. The side yard is screened by a gate halfway back as well as being screened by very mature existing landscaping. Given the maturity of the existing landscaping and the reduced size

City of Mesa
Zoning Administrator Minutes
April 21, 2009

of the side yards staff is supportive of the reduction in landscaping.

- 1.7** Full compliance with current Code requirements will result in the removal of existing parking spaces to accommodate increased setbacks and foundation base. In addition, increased setbacks adjacent to the north and south property lines will result in partial demolition of the existing buildings.
- 1.8** The site plan submitted, including staff recommended conditions of approval, provides substantial conformance with current Code requirements that justify the requested SCIP. Additionally, the use and improvements will be compatible with, and not detrimental to, adjacent properties in the area.

There being no further business to come before the Zoning Administrator, the hearing adjourned at 2:22 p.m.

The cases for this hearing were digitally recorded and are available upon request.

Respectfully submitted,

John S. Gendron
Hearing Officer

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